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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,435	07/30/2001	Morio Yoshimoto	1163-0350P	1777

2292 7590 02/03/2005

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EXAMINER	
ENG, GEORGE	
ART UNIT	**PAPER NUMBER**
2643	

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/890,435	YOSHIMOTO ET AL.	
	Examiner	Art Unit	
	George Eng	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 December 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/29/2004 has been entered.

Response to Amendment

2. This Office action is in response to the amendment filed 12/29/2004

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-7, 10, 16, 18-24, 27, 34 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al. (US PAT. 6,546,052 hereinafter Maeda) in view of Murakami et al. (US PAT. 5,507,940 hereinafter Murakami).

Regarding claim 1, Maeda discloses an image processing apparatus as shown in figure 12 comprising a medium encoding means (105) for object-encoding a video signal supplied from the outside (col. 7 lines 9-22), and a moving image editor (2112) including a transmission stream composite means (2217, figure 14) for combining a part or all of objects encoded by the medium encoding means with a background image stored in a storage device (116), which is different from an object of the video signal supplied from outside (col. 15 line 44 through col. 21 line 38), and a stream transmitting means (114) for transmitting video data combined by the transmission stream composite means (col. 7 liens 39-42). Although Maeda does not specifically teaching the image processing apparatus for telephone having the background image being objected-encoded in advance, Murakami teaches an image signal encoding system for an image signal transmitting and receiving device, i.e., a telephone, having an object which is different from object of the video signal supplied form outside and object-encoded in advance in order to transmit image signals at a low rate without being seriously distorted (abstract and col. 3 line 4 through col. 6 line 57). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Maeda in having the image processing apparatus for telephone

having the background image being objected-encoded in advance, as per teaching of Murakami, in order to transmit image signals at a low rate without being seriously distorted.

Regarding claim 2, Murakami teaches stream storage means (123a, figure 3) for storing background images, which are objected encoded in advance.

Regarding claims 3-4, Maeda teaches the moving image editor (2112, figure 12) for combining video data, which is output from the stream storage means (116, figure 12) as a background with video data encoded by the medium encoding means, wherein the video data is a motion picture image (col. 26 lines 25-40).

Regarding claim 5, Murakami teaches the video data is a still picture image (col. 4 line 65 through col. 5 line 2).

Regarding claims 6-7, Maeda discloses control means for controlling the transmission composite means in accordance with a communication destination (col. 14 lines 12-24).

Regarding claim 10, Murakami teaches to read the image background from the stream storage means (col. 5 lines 3-11).

Regarding claim 16, Maeda discloses to encode video data in MPEG format, such as MPEG-4 (col. 21 lines 33-38).

Regarding claim 18, Maeda discloses a video decoding and receiving device as shown in figure 9 comprising a stream receiving means (110) for receiving object encoded complete video data, a receiving stream composite means (201) for combining a part or all of object in the video data received by the stream receiving means with an object (col. 11 line 59 through col. 15 line 34). Although Maeda does not specifically teach medium decoding means for decoding the video data combined by the received stream composition means, i.e., the final output image

information, it is old and well known in the art of decoding the final output image information in order to display. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Meada in having medium decoding means for decoding the video data combined by the received stream composition means in order to display the final output image information. In addition, Meada differs from the claimed invention in not specifically teaching the video decoding and receiving device for telephone having the background image is objected-encoded in advance. However, Murakami teaches an image signal encoding system for an image signal transmitting and receiving device, i.e., a telephone, having an object which is different from object of the video signal supplied form outside and object-encoded in advance in order to transmit image signals at a low rate without being seriously distorted (abstract and col. 3 line 4 through col. 6 line 57). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Maeda in having the image decoding and receiving device for telephone having the background image being objected-encoded in advance, as per teaching of Murakami, in order to transmit image signals at a low rate without being seriously distorted.

Regarding claim 19, the limitations of the claim are rejected as the same reasons set forth in claim 2.

Regarding claims 20-21, Maeda teaches the stream composite means combined video data as a background, which is output from the stream storage means, with the video data received by the stream receiving means, wherein the video data is a motion picture image data (col. 11 line 59 through col. 12 line 12).

Regarding claim 22, the examiner takes an Official notice that it is old and notoriously well known in the art of video decoding and receiving for processing a still picture image data.

Regarding claim 23, Maeda teaches the stream composite means combining an object corresponding to a person part, which is received by the stream receiving means, with an object corresponding to a background part (col. 12 line 53 through col. 13 line 37), and Wakabayashi teaches the object corresponding to a background part being object-encoded in advance (abstract).

Regarding claim 24, the limitations of the claim are rejected as the same reasons set forth in claims 6-7.

Regarding claim 27, Maeda discloses the received-stream composite means (201, figure 9) reading an object from the stream storage means (200, figure 9).

Regarding claim 34, the limitations of the claim are rejected as the same reasons set forth in claim 16.

Regarding claim 36, Maeda discloses an image processing apparatus as shown in figure 12 comprising a transmission processing unit having a medium encoding means (105) for object-encoding a video signal supplied from the outside (col. 7 lines 9-22), and a moving image editor (2112) including a transmission stream composite means (2217, figure 14) for combining a part or all of objects encoded by the medium encoding means (col. 15 line 44 through col. 21 line 38), and a stream transmitting means (114) for transmitting video data combined by the transmission stream composite means (col. 7 lines 39-42), and a reception processing unit having a stream receiving means for receiving either or both of the complete video data and the audio data which are object encoded, a received-stream composite means for combining an object in

either or both of the video data and the audio data received by the stream receiving means with an object, and a medium decoding means for decoding either or both of the video data and the audio data combined by the received stream composite means (col. 11 line 59 through col. 15 line 34). Maeda differs from the claimed invention in not specifically teaching the image processing apparatus for telephone comprising the background image being objected-encoded in advance. However, Murakami teaches an image signal encoding system for an image signal transmitting and receiving device, i.e., a telephone, having an object which is different from object of the video signal supplied form outside and object-encoded in advance in order to transmit image signals at a low rate without being seriously distorted (abstract and col. 3 line 4 through col. 6 line 57). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Maeda in having the image processing apparatus for telephone having the background image being objected-encoded in advance, as per teaching of Murakami, in order to transmit image signals at a low rate without being seriously distorted.

Regarding claims 37-38, the limitations of the claims are rejected as the same reasons set forth in claim 36.

5. Claims 8-9, 11-13, 17, 25-26, 28-31 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al. (US PAT. 6,546,052 hereinafter Maeda) in view of Murakami et al. (US PAT. 5,057,940 hereinafter Murakami) as applied in claim 1 above, and further in view of Hibino et al. (JP 06165173A hereinafter Hibino).

Regarding claims 8-9, the combination of Maeda and Murakami differs from the claimed invention in not specifically teaching a voice synthesizing means for synthesizing an audio signal supplied from the outside with an audio signal which is obtained in advance, wherein the transmission stream composite means combines audio data corresponding to the audio signal synthesized with the video data by the voice synthesizing means and the stream transmitting means transmits audio data corresponding to the audio signal synthesized with the video data by the voice synthesizing means. However, Hibino teaches a system for attaining virtual society by operating a sound mixer, i.e., a voice synthesizing means, for combining audio signal supplied from the outside with an audio signal, which is obtained in advance (i.e., from a background sound source), with the video data and transmitting audio data corresponding to the audio signal synthesized with the video data by the voice synthesizing means in order to attain virtual society (abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Maeda and Murakami in having the voice synthesizing means for synthesizing an audio signal supplied from the outside with an audio signal which is obtained in advance, as per teaching of Hibino, in order to attain virtual society.

Regarding claims 11-12, the combination of Maeda and Murakami differs from the claimed invention in not specifically teaching the audio data is output from the stream storage means so that the stream storage means stores either or both of the video data and the audio data which are object-encoded in advance. However, Hibino teaches to retrieves the background sound source and image source from the memory in order to create a virtual society (abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify the combination of Maeda and Murakami in having the stream storage means for storing either or both of the video data and the audio data which are object-encoded in advance, as per teaching of Hibino, in order to create the virtual society.

Regarding claim 13, the limitations of the claim are rejected as the same reasons set forth in claims 8-9.

Regarding claim 17, Maeda teaches to encode video data in MPEG format, such as MPEG-4 (col. 21 lines 33-37).

Regarding claims 25-26, the limitations of the claims are rejected as the same reasons set forth in claims 8-9.

Regarding claims 28-29, the limitations of the claims are rejected as the same reasons set forth in claims 11-12.

Regarding claims 30-31, the limitations of the claims are rejected as the same reasons set forth in claims 8-9.

Regarding claim 35, the limitations of the claim are rejected as the same reasons set forth in claim 17.

6. Claims 14-15 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al. (US PAT. 6,546,052 hereinafter Maeda) in view of Murakami et al. (US PAT. 5,057,940 hereinafter Murakami) as applied in claim 1 above, and further in view of Agraharam et al. (US PAT. 6,414,707 hereinafter Agraharam).

Regarding claims 14-15, the combination of Maeda and Murakami differs from the claimed invention in not specifically teaching to select an object output from the stream storage

means according to a communication destination or communication date and time. However, Agraharam teaches to retrieve background information from a database based on an identification of a user, i.e., communication destination, or pre-set by the user in order to make user friendly for selecting desired background image from a listing (col. 4 lines 1-13). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Maeda and Murakami in selecting the object output from the stream storage means according to a communication destination or communication date and time, as per teaching of Agaharam, in order to make user friendly for selecting desired background image from a listing.

Regarding claims 32-33, the limitations of the claims are rejected as the same reasons set forth in claims 14-15.

Response to Arguments

7. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George Eng
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Art Unit 2643